

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action, dated **June 30, 2005** in which claims 1, 5, 6, 10, 11 and 16-22 are rejected under 35 U.S.C. § 102(b) as anticipated by RFC 791 and claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over RFC 791 in view of Sandberg (US Patent 5,522,045). In response, Applicants disagree.

Rejections under 35 U.S.C. § 102(b):

Claim 1 states:

An apparatus comprising:
a data path output unit to output a packet header, the packet header including:
a format field to partially specify the packet header format;
and
a type field to specify a transaction type, wherein the format field and the type field together specify the packet header format, the format field also indicates the size of the packet header and whether the packet includes data.

Emphasis added.

The Action provides that RFC 791, Section 3.1 teaches the apparatus of claim 1. However, RFC 791, Section 3.1 discloses a packet header that uses 4 fields to specify the information the packet header in claim 1 recites as using only 2 fields to specify. For example, the Internet header format described in section 3.1 of RFC 791 describes a Version field, an Internet Header Length field, a Type of Service field and a Total Length field. According to RFC 791, Section 3.1, these four fields specify the format, type of service, header length and the total length of a datagram. Further, the Action states that the Internet Header Length and Total Length fields can be used to determine whether the header includes data. See Action, pages 3-4.

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In contrast, claim 1 recites a header using only the format field and the type field to specify what the header in RFC 791, Section 3.1 uses four fields to specify. Thus, Applicants request that the 35 U.S.C. § 102(b) rejection of claim 1 be withdrawn.

Independent claims 6 and 11 also include similar elements to claim 1. Additionally, claims 5, 10, and 16 depend from one of independent claims 1, 6 and 11. Thus, Applicants request that the 35 U.S.C. § 102(b) rejections of independent claims 6 and 11 and dependent claims 5, 10 and 16 be withdrawn.

Claim 19 states:

An apparatus comprising:

a data path output unit to output a packet header for a transaction layer packet, wherein the packet header includes:
a format field to partially specify the packet header format;
and
a type field to specify a transaction type, wherein the format field and the type field are located in the first byte of the packet header and together specify the packet header format,....

Emphasis added.

The Action provides on page 3 that RFC 791 teaches the apparatus of claim 19.

However, RFC 791, Section 3.1 discloses a packet header that uses 1 field (Version field) to specify the information the packet header in claim 19 recites as using 2 fields (format and type) to specify. Additionally, contrary to the Action's claim that RFC 791 describes a header with the format (Version) and type (Type of Service) fields in the first byte, Figure 4 of RFC 791 depicts the Version and Type of Service fields as located in both byte 0 and byte 1 (first and second bytes). As a result, RFC 791 fails to teach of the type field and the format field "located in the first byte" as recited in claim 19 above. Emphasis added. Thus, Applicants request that the 35 U.S.C. § 102(b) rejections of independent claim 19 and dependant claims 20-22 be withdrawn.

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Rejections under 35 U.S.C. § 103(a):

On page 4 of the Action, claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over RFC 791 and further in view of Sandberg.

As mentioned above for independent claims 1, 6 and 11, the cited reference of RFC 791 fails to teach the apparatus cited in these claims. Further, the Action does not cite Sandberg to cure any of the above stated deficiencies in RFC 791. Since claim 15 depends from independent claim 11, Applicants request that the 35 U.S.C. § 103(a) rejection of claim 15 be withdrawn.

Conclusion

For at least the foregoing reasons, Applicants respectfully submit that claims 1, 5, 6, 10, 11 and 15-22 are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,
Harriman et al.

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